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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,071	06/20/2001	Lou Topfl	00987	5990
38823 7590 01/02/2008 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ AT&T Delaware Intellectual Property, Inc. 600 GALLERIA PARKWAY, S.E. SUITE 1500 ATLANTA, GA 30339-5994			EXAMINER CHANKONG, DOHM	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 01/02/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/886,071

Applicant(s)

TOPFL ET AL.

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 6, 11 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 11, and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1> This action is in response to Applicant's request for continued examination, filed 10.18.2007. Claims 1, 6, 11, and 16 are amended. Claims 1, 6, 11, and 16 are presented for further examination.

2> This is a non-final rejection.

#### *Continued Examination Under 37 CFR 1.114*

3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10.18.2007 has been entered.

#### *Response to Arguments*

4> Applicant has amended the claims to now recite a data collection module for collecting actions of a single particular authenticated user and calculating probabilities based on the actions of a single user. Applicant argues that Horvitz discloses "using a user model as part of a larger user community and basing predictions on actions of the user community." Applicant's arguments have been fully considered but they are not persuasive for the following reasons.

Applicant's argument focuses on a single embodiment within Horvitz's disclosure. Applicant's arguments and amendments ignore other embodiments of Horvitz's invention. For example, Horvitz discloses an embodiment where the invention employs a user model that is employed solely at the client computer [Figure 6 | column 46 «lines 41-44»]. In this embodiment, only the actions of the single user at the client computer factor into the calculation of the probabilities for prefetching links [column 24 «line 43» to column 25 «line 30»]. Horvitz also expressly discloses that the user model can be "for a given user, based solely on page transition data collected by browser 35 on the client side for that user" [column 27 «lines 18-20»].

Thus, based on the foregoing discussion, Applicant's amendment do not overcome the Horvitz reference. Horvitz discloses collecting and storing actions of a single user, calculating the probability for the desirability of links based on the action of a single user, wherein the probability is based solely on the actions of the single particular user. Therefore, the rejections as set forth in the previous actions are maintained.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5> Claims 1, 6, 11, and 16 are rejected under 35 U.S.C §103(a) as being unpatentable over Horvitz, U.S Patent No. 6,182,133, in view of Takagi et al, U.S Patent No. 5,881,231 [“Takagi”], in further view of Barrett et al, U.S Patent No. 5,727,129 [“Barrett”].

6> As to claim 1, Horvitz discloses a system for facilitating communication between a user and a network of information items, comprising:

a remote data storage device for storing the information items, wherein the information items are stored in the form of pages, and wherein the pages contain a plurality of links to other information items [column 47 «lines 9-34» where : Horvitz’s web server corresponds to a remote data storage device];

a multi-layer architecture comprising:

a client device having a user interface program thereon, for allowing a user to interface with the network and request the information items [column 8 «lines 16-59»];

a server device, in communication with the client device and in communication with the remote storage device, for handling information requests from multiple clients and for storing information retrieved from the data storage devices locally in a server cache memory [column 26 «lines 30-44» where : Horvitz’s proxy server corresponds to the claimed server device];

a data collection module for collecting and storing successive actions of a single particular authenticated user [Figure 6 | column 24 «line 43» to column 25 «line 30» | column

27 «lines 18-20» where : prefetching is based on user models that rely upon, in part, current and prior interaction of the user and recent sequences of pages downloaded to a user];

a probability module in communication with the data collection module for calculating a probability for the desirability of the links based on the action of the single particular user [Figure 6 | Figure 16 «items 1610, 1615» | column 27 «lines 18-20»] and for comparing the probability to a predetermined threshold value to identify predicted links [column 4 «line 63» to column 5 «line 18»] and for retrieving the predicted information items associated with the links from the remote data storage devices [column 4 «lines 30-36»] and enabling the storage of the predicted information on both the client device layer and the server device layer of the multi-layer architecture in advance of the single particular user's request for the selected information items [column 4 «lines 20-47» | column 26 «lines 30-44»], the probability module further configured to:

update the probabilities assigned to the links with each successive user activity [column 4 «lines 4-12» | column 9 «lines 59-62» where : the user model reflects the probabilities of pages that may be prefetched];

abort retrieving the predicted information items [column 4 «lines 50-62» | column 5 «lines 11-18»];

continue retrieving the predicted information items from the remote data storage devices and storing the predicted information items in the server cache memory if the user requests the predicted information item [column 41 «lines 25-41»];

download the user requested information item to the client from the server cache memory [column 26 «lines 30-44»]; wherein the probability is calculated based solely on the actions of the single particular user and not as a member of a larger set of users [column 27 «lines 18-20» | column 41 «lines 44-67»].

Horvitz does not teach a single particular user that is authenticated or the feature of aborting retrieval of predicted items if the user requests an information item other than the predicted information items.

In the same field of invention, Takagi is directed towards a system for prefetching information [abstract]. Takagi further discloses first authenticating a user before collecting user actions [column 9 «lines 61-64»]. It would have been obvious to one of ordinary skill in the art to modify Horvitz to include Takagi's user authentication feature. Takagi teaches that such a feature is beneficial to a prefetching system because it prevents user information from being leaked to other users [see Takagi, column 9 «lines 64-66»].

Further, Horvitz teaches aborting retrieval of predicted items but does not bas the aborting feature on a user action. Barrett teaches a network data communication system wherein a probability module aborts the retrieval of predicted information items if the user requests an information item other than the predicted information items [abstract | Figure 7 <items 58, 64> | column 9 <lines 1-16>]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the functionality of module-initiated abortion of the retrieval of predicted information items in Horvitz's system. One

would have been motivated to do this implementation to prevent unnecessary downloading of unwanted content in Horvitz's system based on a user action.

7> As to claims 6, 11, and 16, as they do not teach or further define over the previously claimed limitations, they are similarly rejected for at least the same reasons set forth for claim 1.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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DC  
12/27/2007 